

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VICTOR SOWELL,

Plaintiff,

**9:13-cv-1482
(GLS/DJS)**

v.

STEVEN BULLIS et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Victor Sowell
Plaintiff, *Pro Se*
P.O. Box 493
Brooklyn, NY 11224

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
Litigation Bureau
The Capitol
Albany, New York 12224

JOSHUA E. MCMAHON
Assistant Attorney General

Gary L. Sharpe
Senior District Judge

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Daniel J. Stewart, duly filed on March 25, 2016. (Dkt. No. 41.) Following fourteen days from the

service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.¹

No objections having been filed, and the court having reviewed the Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 41) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion for summary judgment (Dkt. No. 34) is **GRANTED IN PART** and **DENIED IN PART** as follows:

GRANTED as to all claims against defendant Fischer and defendant Fischer is **DISMISSED** from this action;

GRANTED as to all claims against defendant (Hubbard) Simmons and defendant Simmons is **DISMISSED** from this action;

DENIED IN PART as to defendant Bullis solely on the claim that he is alleged to have violated the plaintiff's due process rights by refusing to call two witnesses; but **GRANTED** in all

¹ On February 24, 2016, plaintiff filed a letter seeking the appointment of counsel and an update on the status of his case. (Dkt. No. 40.) Plaintiff's request for an update is satisfied by the filing of this order. The request for assignment of counsel, (*id.*), is referred to Magistrate Judge Stewart for disposition.

other respects; and

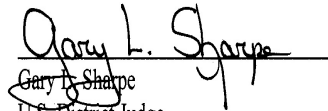
DENIED as to defendant Prack; and it is further

ORDERED that this case is deemed trial ready and a trial scheduling order will be issued in due course; and it is further

ORDERED that the clerk of the court serve a copy of this order upon the parties in accordance with this court's Local Rules.

IT IS SO ORDERED.

April 27, 2016
Albany, New York


Gary L. Sharpe
U.S. District Judge